

CHAPTER NO. 159

HOUSE BILL NO. 3283

By Representatives Beavers, Fowlkes

Substituted for: Senate Bill No. 3237

By Senator Blackburn

AN ACT to amend Chapter 48 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the charter of the Town of Chapel Hill.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 48 of the Private Acts of 2001, and any other acts amendatory thereto, is amended by deleting such chapter in its entirety and by substituting Sections 2 through 34 of this act to be the charter of the Town of Chapel Hill.

SECTION 2. Definitions. The following definitions apply in this charter unless the context otherwise requires:

(1) "Aldermen" means collectively those elected or appointed to serve in such capacity on the Board;

(2) "Board" means the Board of Mayor and Aldermen;

(3) "Charter" means this charter;

(4) "County" means Marshall County, Tennessee;

(5) "Department Head" means the Chief of Police, Fire Chief and any other person hired to serve as the head of any department of the Town;

(6) "Officers" means Mayor, Aldermen, Vice Mayor, Town Judge, Town Administrator, Town Recorder, Town Treasurer and Town Attorney;

(7) "Mayor" means the person elected or appointed to serve as Chief Executive Officer of the Town;

(8) "State" means the State of Tennessee;

(9) "Town" means the Town of Chapel Hill, Tennessee; and

(10) "Town Administrator" means the chief administrative officer of the Town.

SECTION 3. As used in this Charter, "shall" and "must" are mandatory and "may" is permissive.

SECTION 4. Incorporation, Name and General Powers. The Town of Chapel Hill, in the County of Marshall, State of Tennessee, and the inhabitants thereto, within the boundaries hereinafter set out, shall continue as a body politic and corporate under the name and style of "Town of Chapel Hill," and by that name shall have perpetual succession, may use a common seal, may sue and be sued, plead and be impleaded in all the courts of law and equity, may purchase, receive and hold property, real or

personal, within or without the Town for corporate purposes, and sell or dispose of such property for the benefit of the Town.

SECTION 5. Corporate Boundaries. The corporate boundaries of the Town shall embrace all territory now within the corporate limits of the Town as of the effective date of this Private Act, as established by Private Acts of the General Assembly of Tennessee and ordinances of the Town and as hereafter modified by Private Acts of the General Assembly or ordinances of the Town of Chapel Hill.

SECTION 6. Board of Mayor and Aldermen; Number of Aldermen; Qualifications for Office; Compensation and Oath. The corporate and legislative authority of the Town shall be vested in the Board. The Board shall be composed of a Mayor and six (6) Aldermen, who shall reside in the Town at least one (1) year next preceding their election or appointment, be not less than twenty-one (21) years of age when taking office and should the residence of any one (1) of them in the Town cease after his election or appointment, his office shall become vacant; the Mayor and Aldermen shall receive compensation as established in the ordinance adopting the annual budget; however, the compensation of the Mayor and Aldermen shall not be altered during their term of office. Before taking office, the Mayor and Aldermen shall take an oath before a person qualified to administer oaths that they will faithfully and impartially discharge the duties pertaining to their office, which oath shall be in writing and entered upon the minutes of the Board.

SECTION 7. Vice Mayor. The Board, by majority vote, shall elect an Alderman to the office of Vice Mayor for a term of two (2) years. The Vice Mayor shall serve when the Mayor is temporarily absent or unable to discharge his duties, and shall retain his voting privileges while serving in the absence of the Mayor.

SECTION 8. Elections. Date of Election of Mayor and Aldermen and Terms of Election. The Town presently has a Mayor and six (6) Aldermen and their terms of office expire as follows: Mayor and three (3) Aldermen on the first day of September 2002; three (3) Aldermen on the first day of September 2004. The terms of office of Mayor and Aldermen shall be four (4) years and they shall serve until their successors are elected or appointed, pursuant to Section 12 hereof, and take office. In the August 2002 election, the person receiving the highest number of votes cast for Mayor and the three (3) persons receiving the highest number of votes cast for Alderman shall take office on the first day of September 2002. In the August 2004 election, the three (3) persons receiving the highest number of votes for Alderman shall take office on the first day of September 2004. In case of a tie vote for any office, there shall be a run-off election on the fourth (4th) Thursday in August between persons receiving an equal number of votes.

SECTION 9. Elections: Qualification Required of Voters. In all elections and referendums held in the Town for any purpose, persons who are qualified to vote for members of the Tennessee General Assembly and who have resided in the Town's corporate limits for a time sufficient to be qualified voters in accordance with general law, or who reside outside the Town's corporate limits and own realty within the Town's corporate limits for a time sufficient to be qualified voters in accordance with general law shall be qualified to vote in a Town election or referendum.

SECTION 10. Elections: Regulations and Method of Holding. All elections held in the Town shall be called and held by the Election Commissioners of Marshall County, under the rules and regulations now prescribed by law for the civil district in which the Town is located. It shall be the duty of the Election Commissioners of Marshall County, in addition to the procedure required for County and State elections after canvassing the returns, to certify the results of each election and file such certificate, together with one (1) copy of the poll and tally sheets, with the Town's Recorder. The Election Commissioners of Marshall County shall hold an election in the Town on such dates as

are specified in this Charter and at such other times as they may be requested by the Board to hold an election for purposes authorized by this Charter or the general laws of the State.

SECTION 11. Elections: Candidates Must File Application. In all elections for Mayor and Aldermen, those desiring to become candidates shall file nominating petitions as required by general law.

SECTION 12. Board of Aldermen: Power to Regulate Itself, Transact Business, Fill Vacancies, Expel Members, Fill Temporary Vacancies of Appointed Offices. The Board shall determine its rules of procedure. A majority of the Board shall constitute a quorum for the transaction of business. A majority vote of the quorum, unless a greater number is required by this Charter or state law, shall be the action of the Board. In case of death, resignation or removal of Mayor, Vice Mayor or an Alderman, or any vacancy thereof, the Board, by majority vote of the Board, shall have the power to fill the vacancy for the unexpired term of the office.

Notwithstanding the foregoing sentence, if at any time a vacancy in the office of Aldermen occurs and two (2) offices of Aldermen have been filled by appointment by the Board, such vacancy shall be filled by the Board, provided the vacancy occurs with less than twelve (12) months remaining on the unexpired term. If twelve (12) or more months remain on the unexpired term, the Board shall not fill the vacancy, but shall call upon the election commission of Marshall County to conduct a special election to fill the vacancy. The person so elected shall fill the unexpired term of office to which elected. In the event of a tie vote, there shall be a run-off election three (3) weeks from the day of the special election between the persons receiving an equal number of votes.

Neither the Mayor nor an Alderman shall miss three (3) consecutive regular monthly meetings without good cause.

The Mayor or an Alderman may be removed from office according to general law found in Tennessee Code Annotated, Title 8, Chapter 47, for, among other things, misconduct in office or willful neglect to perform his duties.

In the event of temporary disability, sickness or absence of the Administrator, Recorder, or Treasurer, the Board may appoint a suitable person to assume the duties of the Administrator, Recorder, or Treasurer and cause to be placed in the Town's Minute Book the dates such office was assumed and relinquished.

SECTION 13. Board of Mayor and Aldermen: Regular and Special Meetings. The Board shall hold at least one (1) regular meeting each month for the transaction of business, but the Board may, by resolution, establish as many regular meetings as they desire. A special meeting may be called by the Mayor or any three (3) Aldermen by two (2) days written notice to the members of the Board stating the purpose or purposes for which the special meeting is called and no other business shall be considered at the special meeting of the Board. The Board shall have the power at any meeting, regular or special, to recess to a date and time certain for the transaction of any business which may have been brought before it at a regular or special meeting. A regular or special meeting may be recessed with or without a quorum present.

SECTION 14. Mayor: Powers and Duties. The Mayor shall preside at all meetings of the Board. In the absence of the Mayor, the Board may be called to order and presided over by the Vice Mayor; or in absence of both, by a Mayor Pro Tem, an Alderman elected by a majority of the quorum present; the Mayor is vested with all the powers and duties of an Alderman, but shall vote only in the event of a tie vote. The Mayor shall not have any regular administrative duties and as Chief Executive Officer of

the Town, shall perform such duties and exercise such powers as may be conferred or imposed by the laws of the State and by ordinance not in conflict with this charter. In the event of the temporary disability, sickness or absence of the Administrator, Treasurer or Recorder, the Mayor, without additional compensation, may be designated by the Board to perform the duties of the Administrator, Treasurer or Recorder and cause to be placed in the Town's Minute Book the dates the Mayor assumes the office and relinquishes such office. The Mayor, in time of riot or other emergency, shall have concurrent power with the Police Chief, to summon citizens to assist the police force.

The Mayor, or, in the Mayor's absence, the Vice Mayor, or, in the absence of both, the Mayor Pro Tem, shall have the authority to remove, or order to be removed, from a meeting of the Board any person who fails to abide by the rules of the Board or becomes disorderly.

SECTION 15. Ordinances and Resolutions: Procedures Required for Passage.

(a) No bill shall become an ordinance without having passed on two (2) separate days by majority vote of the quorum of the Board, both of which shall not be at the same meeting; except no appropriation of money, or order involving it, or levy of taxes, shall be made unless the ordinance authorizing the same be passed on three (3) separate days by a majority of the entire Board. Separate days means separate meetings, not recessed meetings. A public hearing on an ordinance shall be advertised and held prior to final passage.

Ordinances shall be introduced in writing, and when passed, shall be signed by the Mayor and attested by the Recorder, and incorporated in the minutes of the Board together with full recitals of their introduction and passage.

An Ordinance shall take effect fifteen (15) days after its final passage or at such time after fifteen (15) days if so specified in the ordinance. An emergency ordinance may take effect immediately after final passage provided it states that an emergency exists, the circumstances and reasons for the emergency, and sufficient detail to demonstrate that passage of the ordinance will abate the emergency.

Prior to final passage, the ordinance or caption and summary thereof may be published in a newspaper of general circulation in the Town, or in like manner the ordinance may be published after final passage, but such publication shall not be mandatory and ordinances duly passed shall be effective without publication.

(b) Resolutions shall be introduced in writing and, when passed, shall be signed by the Mayor and attested by the Recorder, and incorporated in the minutes of the Board together with full recitals of their introduction and passage. Resolutions require one (1) passage and take effect immediately, unless otherwise stated.

(c) Certified copies of the minutes, or portions of the minutes, showing the passage of an ordinance or resolution on final reading, shall be full and sufficient evidence of the ordinance or resolution in all trials in any court of this State, the certificate to be made by the Recorder under the seal of the Town.

SECTION 16. Powers Exercised by Ordinances. The Town shall have the power by ordinance:

(1) To assess, levy, provide for and collect upon all property and privileges within its limits which are or shall be taxable by the laws of the State of Tennessee, and to assess, levy, provide for and collect taxes on any and all

subjects or objects of taxation, either for general or special purposes, not expressly forbidden by general laws of the State of Tennessee.

(2) To adopt such classifications with reference to all subject or objects of taxation, not otherwise expressly prohibited by state law.

(3) To issue and give, sell, pledge, or in any manner dispose of negotiable or non-negotiable interest bearing or non-interest bearing warrants, bonds, promissory notes or orders of the Town, upon the credit of the Town, or solely upon the credit of specific property owned by the Town, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the Town, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more, or a combination of any two (2) or more, of such credits.

(4) To acquire, maintain, hold and operate an electric plant or electric distribution system as provided in the Municipal Electric Plant Law of 1935, Tennessee Code Annotated, Title 7, Chapter 52, Part 1, as amended.

(5) To expend the revenues, monies and property of the Town for all lawful municipal purposes.

(6) To acquire, own, erect, build, construct, maintain and operate, or to sell, lease, mortgage, pledge or otherwise dispose of any public utility, or any estate or interest therein, or property, real or personal, used in connection therewith, or any utility or service to the Town, its inhabitants, or any part thereof.

(7) To grant franchises or make contracts with any person, firm, corporation or association for public utilities and public services to be furnished the Town and its inhabitants. The power to grant franchises or make contracts shall include the power to grant exclusive franchises or make exclusive contracts; and whenever a franchise is granted or an exclusive contract is entered into, it shall be deemed as exclusive, not only as against any other person, firm, corporation, or association, but also as against the Town itself. Such franchise may be granted or contracts entered into for a period of twenty-five (25) years or less, but not longer, and the Town is fully empowered to prescribe in each franchise or contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, corporation or association to whom the franchise is granted or with whom the contract is made, except when not permitted by state or federal law. Such franchise or contracts may, by their terms, apply to the territory within the corporate limits of the town at the date of the franchise or contract and as such corporate limits thereafter may be enlarged; and to the then existing streets, alleys and other thoroughfares, and to any other streets, alleys and other thoroughfares that thereafter may be opened.

(8) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, and compel, from time to time, reasonable extensions of facilities for such services and to require such public utilities to enter into "joint use agreements" for the construction, installation, erection, placement, location, use and maintenance of poles, conduits, structures, and facilities where wire, cables, pipes, lines or similar apparatuses are used and employed by such utilities for the transmission of electric power, energy or messages, or both; but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted, or of any exclusive contract entered into under subsection (7) of this section.

(9) To construct, reconstruct, improve and reimprove by opening, extending, widening, grading, curbing, guttering, paving, gravelling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys, or other public properties within the corporate limits and to assess a portion of the cost of such improvements upon the property abutting upon, or adjacent to, such streets, highways, avenues, alleys or other public properties.

(10) To license and regulate all persons, firms, corporations or associations engaged in any business, profession, vocation, occupation, or trade not forbidden by state law, and to impose a license or tax upon any property, thing, business, profession, vocation, occupation or trade not prohibited by state law.

(11) To define, prohibit, abate, suppress, prevent and regulate all acts, practices, businesses, occupations, professions, vocations or trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the Town, and in conjunction with the powers herein set out to demand and receive fees and costs of permits and inspections incident to effective regulation.

(12) To prescribe locations, zones and limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, comfort or general welfare of the inhabitants of the Town may lawfully be established, conducted or maintained.

(13) To regulate the location, bulk, occupancy, area, lot, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition or health, cleanliness and safety and, when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(14) To provide and maintain charitable, educational, curative, recreative, corrective, detentive or penal institutions, departments, facilities, conveniences and services, or to contract with any outside agency to provide and maintain or to render the functions and services contemplated herein.

(15) To contract with the County Sheriff to keep and confine persons ordered by the Town Court to be confined.

(16) To enforce ordinances, rules or regulations of the Town by means of forfeitures and/or civil penalties, or by action or proceeding in any court of competent jurisdiction, or by any one (1) or more of such means, but no forfeiture or civil penalty shall exceed the sum of Fifty Dollars (\$50.00). Each day of violation may be considered a separate offense and subject to the maximum penalty.

(17) To establish and maintain schools, provide for the necessary boards, officers and teachers required therefor and to fix their compensation, to purchase or otherwise acquire lands for school purposes, schoolhouses, playgrounds and other purposes connected with the schools of the Town, and to erect all necessary buildings and improvements, and to do all other acts necessary to establish, maintain and operate a complete and adequate educational system within the Town, and to enter into agreements and contracts with the County, the State, or any federal agency for the joint maintenance and

operation thereof, and to permit the operation and maintenance of schools within the Town by the County.

(18) To regulate, license and suppress the keeping or running-at-large of animals and fowl within the Town; to impound the same, and in default of redemption, to sell or otherwise dispose of the same.

(19) To make all reasonable regulations to prevent the spread of contagious diseases within the Town, and to make and enforce regulations to promote sanitation, health and general welfare of the inhabitants of the Town, and to enter into agreements and contracts for joint or cooperative efforts to this end with the County, the State, or any federal agency.

(20) To purchase, acquire, hold, establish, construct, equip, improve, maintain and operate a municipal airport or landing field for the use of aircraft, and to acquire by purchase, lease, condemnation or otherwise, real estate situated either within or without the limits of the Town, or to set apart any real estate now owned by it to be used for this purpose, and to accept from any person or persons, or from the County, the State, or any federal agency grants for such purposes and to enter into contracts for the operation and maintenance thereof.

(21) To provide for an adequate system of assessment of property, real, personal, or mixed, for municipal tax purposes; to elect or appoint a tax assessor for the Town, or to impose the duties of such upon any other Town official, and to fix and define the duties to be imposed in connection therewith; and to fix and determine the method of election, term of office and salary of such official.

(22) To provide for an adequate system for equalization and adjustment of all tax assessments on real and personal property within the limits of the Town.

(23) To have and exercise all lawful powers, which now or hereafter may be authorized by the Tennessee General Assembly which now or hereafter would be lawful to have specifically enumerated, as fully and effectually as though specifically enumerated herein.

(24) To purchase, acquire, establish, improve, maintain and operate municipal cemeteries, either within or without the corporate limits of the Town and to provide for adequate supervision, care and maintenance thereof, and for this purpose the Town is expressly authorized to establish and create out of any available revenues a fund for the perpetual care and maintenance of such cemeteries, such fund to be kept separate and apart from all other revenues of the Town and to be delivered, controlled, supervised and disbursed in such manner as may be provided by ordinance creating the same; and to enter into contracts, or agreements for the supervision, maintenance and control of existing cemeteries either within or without the corporate limits, and to accept, receive and hold donations and grants from any person or persons and to expend such donations or grants for the maintenance and upkeep of the same.

SECTION 17. Powers Exercised by Resolutions. The Town, except when prohibited by this Charter or State law, shall have the power by resolution:

(1) To contract and be contracted with.

(2) To incur debt by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner herein provided, or as otherwise provided by law.

(3) To purchase, acquire, receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, or any estate or interest therein, either within or without the Town or State.

(4) To establish, open, locate, relocate, vacate, alter, abandon, widen, extend, grade, improve, repair, construct, maintain, light, sprinkle and clean public highways, streets, alleys, boulevards, parks, squares, bridges, culverts, sewers, drains, and public grounds and properties within or without the corporate limits, and to regulate the use thereof within the corporate limits, including sidewalks, walkways or pavements abutting or adjacent to any public road, street, highway, alley, boulevard, parkway, bridge, public way or square within the corporate limits.

(5) To purchase, acquire, hold, construct, maintain and regulate market places, public properties and buildings, bridges, culverts, sewers and other structures, works and public improvements.

(6) To collect and dispose of drainage, sewage, ashes, garbage and refuse in any manner not in conflict with general laws, or to license and regulate such collection and disposal.

(7) To call upon the Commissioners of Elections of Marshall County to call, provide for, and control all municipal elections, including all elections respecting bond issues when required by State law, and to provide for and regulate the registration of voters, and to certify the results of such elections, and to call upon the Commissioners of Elections of Marshall County to furnish and provide all registration records necessary and proper for the conducting and holding of such elections and referenda; and to call upon such Commissioners of Elections to furnish and provide voting machines for municipal elections and referenda.

SECTION 18. Public Streets and Ways. All public streets, alleys, bridges, sidewalks, culverts, and other similar public streets and ways now located within the corporate boundaries of the Town or hereinafter accepted as public streets, alleys, bridges, sidewalks, culverts, and streets and ways by the Town shall be and are by this act declared to be the property of the Town and the Board shall take charge of the same for the use of the Town.

SECTION 19. Construction of Powers Granted. The enumeration of the particular powers in this charter is not exclusive, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant powers in this charter impair the powers granted in any subsequent section of this charter and whether powers, objects or purposes are expressed conjunctively or disjunctively, they shall be construed so as to permit the Town to exercise freely any one (1) or more of such powers as to any one (1) or more such objects for any one (1) or more such purposes.

SECTION 20. Exemptions from Taxes Prohibited. The Town shall possess no power, and is hereby expressly forbidden, to exempt any property of whatsoever kind or character, or any person, firm, corporation, or association, from taxation, unless such property of persons, firms, corporations or associations is exempted from taxation for State and County purposes under the general laws of the State.

SECTION 21. Bond: Governmental Financing. The Town may, pursuant to the Revenue Bond Act of 1937, as amended, and the Local Government Public Obligation Act of 1986, as amended, issue such bonds, notes and other obligations as may be deemed desirable or necessary or both.

SECTION 22. Budget Committee, Membership, Annual Budget. The Budget Committee shall consist of the Mayor, one (1) Alderman appointed by the Mayor, the Administrator and Treasurer who shall recommend to the Board the budget for the ensuing fiscal year, which shall fix and include compensation for the Mayor, Aldermen and Administrator. The annual budget shall be presented to the Board no later than June 15th and shall contain the recommended tax rate, anticipated revenues and anticipated expenditures for the next fiscal year. The Board will adopt the budget and fix the tax rate by ordinance or as provided in Section 15 of this Charter.

SECTION 23. Administrator, Compensation, Duties and Powers. The Administrator shall be appointed by a majority of the Board and receive such compensation fixed by the budget ordinance. The Administrator may be disciplined, suspended or discharged by a majority of the Board. The Administrator, if serving as Recorder or Treasurer, shall execute a bond as required by this charter for Recorder or Treasurer, but not otherwise. The Administrator shall be under direction of, and report to, the Board, and shall:

- (1) Administer the business of the Town;
- (2) Employ, direct, control, supervise, discipline, suspend, discharge and terminate all employees of the Town, except those appointed by the Board, in accordance with policies and procedures adopted by the Board; provided, however, a discharged or terminated employee shall have the right to appeal such discharge or termination to the Board, pursuant to procedures established by the Board;
- (3) Issue, or cause to be issued, licenses and permits on behalf of the Town;
- (4) Act as purchasing agent for the Town in the purchase of all materials, supplies and equipment for the proper conduct of Town business; provided, all purchases shall be made in accordance with policies, procedures and practices approved or established by the Board and State law;
- (5) Make recommendations to the Board for improving the quality and quantity of public service to be rendered by the Town to its citizens;
- (6) Keep the Board and its members advised as to the condition and needs of the Town;
- (7) Report to the Board the condition of the Town's property and recommend repairs and replacements as needed not in the budget;
- (8) Recommend to the Board the priority of programs or projects involving public works or improvements that should be undertaken by the Town;
- (9) Recommend the creation or abolishment of personnel positions;
- (10) Regularly attend Board meetings; and

(11) Perform such other duties as may from time to time be designated or required by the Board.

SECTION 24. Treasurer: Duties, Bonds and Compensation.

(a) The Treasurer shall be appointed by a majority of the Board and have charge of all monies of the Town and it shall be the Treasurer's duty to collect, receive and receipt for taxes and other revenues and bonds of the Town, and the Treasurer shall execute a bond in a sum fixed by the Board, conditioned upon the faithful and honest performance of the duties of the office; the Treasurer shall make a full financial report at least once a month to the Board or more often if required by the Board; the Treasurer shall keep a proper account of all funds of whatever kind which may come into his hands. The funds of the Town shall be disbursed only on warrants authorized by the Board, which when signed by the Treasurer and either the Mayor or Administrator, shall be a full voucher acquittance to the Treasurer for the sum so paid. The Treasurer shall receive compensation to be fixed by resolution of the Board.

(b) The Treasurer shall exercise general supervision over the fiscal affairs of the Town, and general accounting supervision over all the Town's property, assets and disposition thereof; shall be the general accountant or auditor of the Town; shall have custody of all papers, records, and vouchers relating to the fiscal affairs of the Town, and the records in the office shall show the financial operation and condition, property, assets, claims and liabilities of the Town, all expenditures authorized, and all contracts in which the Town is interested. The Treasurer shall require proper fiscal accounts, records, settlements, and reports be kept, made and rendered by the officers of the Town, including all agents and employees who may be charged with the collection or expenditure of money and shall control and continually audit the same. It shall be the duty of the Treasurer to collect, receive and receipt for taxes or other revenues and bonds of the Town and to place such funds in depositories, designated by resolution of the Board, and the Treasurer is hereby made the legal custodian of the Town's tax books and is made tax collector of the Town. No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the Board or be authorized by any officer of the Town unless the Treasurer shall first certify that the money required for such contract, agreement, obligation or expenditure is in the treasury, or safely assured to be forthcoming and available in time to comply with or meeting such contract, agreement, obligation or expenditure. All such fiscal accounts, records and reports of the Town are public records and shall be open for public inspection. The Treasurer shall also perform all duties imposed upon him by ordinance or by other sections of this charter. The Treasurer may be disciplined, suspended or discharged by a majority of the Board.

SECTION 25. Recorder, Bond and Compensation. The Recorder shall be appointed by a majority of the Board, shall execute a bond in a sum and shall receive as his compensation a sum fixed by resolution of the Board. The Recorder shall be under the direction of and report to the Board, and shall keep accurate minutes of all proceedings of the Board, ensure that accurate minutes are kept of all committees, commissions, and bonds, of the Town, and have custody and preserve in his office the public records, ordinances, books, minutes, contracts, bonds, deeds, certificates, permits, official security and indemnity bonds, and all other official documents and instruments of the Town, which shall be the property of the Town and shall be open for public inspection. The Recorder may be disciplined, suspended and discharged by a majority of the Board.

SECTION 26. Town Court. There is hereby created and established a Town Court for the Town of Chapel Hill.

(1) There is hereby created the office of Town Judge to be appointed and discharged by a majority of the Board, which shall fix the salary and term of office. The person appointed to the office of Town Judge shall be an attorney-at-law, licensed to practice law within this State, not less than thirty (30) years of age at the time of taking office, and not an employee or elected official of the Town.

(2) The Town Judge shall preside over the Town Court, shall have the power and authority to impose civil penalties and forfeitures, to punish by civil penalties violations of Town ordinances, to preserve and enforce orders and collection of all penalties, costs and forfeitures imposed by the Court, to accept and receive good and sufficient security for any penalties or forfeitures imposed by the Court. To effectively exercise all powers herein conferred, the Town Judge is expressly empowered to issue any and all warrants or other processes of a criminal nature including, but not limited to, attachments for contempt, subpoenas for witnesses, and attachments to compel the attendance of witnesses, so long as such conduct comports with general law.

(3) The Town Court shall have, and is hereby vested, with jurisdiction to hear and determine all violations of laws and ordinances passed by the Board, to impose civil penalties, costs and forfeitures as provided by such laws and ordinances, and to perform such acts and duties as may be imposed upon it by the general laws of the State.

(4) All warrants issued shall be in accordance with general law.

(5) The Town Judge, in all cases heard and determined by him for offenses, shall tax in the bill of costs the same amount and for the same items allowed in State cases. He shall certify to the Treasurer for the collection of all civil penalties, costs, and forfeitures imposed by him, violations of the laws and ordinances, and all such civil penalties, costs and forfeitures shall belong to the Town and be paid into its treasury, except such portions of the costs as are claimed by witnesses, not in the employ of the Town, for attendance in court. The Town Judge shall keep or cause to be kept a court docket or dockets embodying complete detailed records of all cases. The Court Clerk shall keep an accurate record of all civil penalties, costs and forfeitures imposed by the court, the amount paid or secured, the names of the persons securing the same, and it will be the duty of the Town Judge to collect all civil penalties, costs, and forfeitures.

(6) The jurisdiction of the Town Court shall extend to a distance of one (1) mile beyond the corporate limits of the Town for the suppression of acts and practices forbidden by laws and ordinances, provided such jurisdiction shall not extend beyond the limits of Marshall County and does not come within one (1) mile of any other incorporated Town.

(7) The defendant, in all cases heard and determined by the Town Judge as provided by this act, shall have the right to appeal to the Circuit Court of Marshall County, Tennessee, within ten (10) days thereafter, Saturdays, Sundays and holidays excluded, upon giving bond with good and sufficient security for appearance and bond with good and sufficient security for the faithful prosecution of the appeal, provided that in proper cases a defendant may take

and subscribe to the oath for poor persons in lieu of the bond for faithful prosecution of the appeal as provided by law.

(8) Whenever the Town Judge shall be absent or unable to attend any session of the Town court, the Town Judge is empowered to designate in writing a person to hold session of court, provided such person possesses the qualifications set forth in subsection (1) of this section and takes the same oath. The written designation shall be filed with the Town Court Clerk.

SECTION 27. Town Attorney. The Town Attorney shall be appointed and discharged by a majority of the Board and shall be an attorney-at-law admitted to the practice of law within the State and in the courts of this State. It shall be the duty of the Town Attorney to direct the management of all litigation in which the Town is a party; represent the Town in all legal matters and functions and proceedings of whatsoever kind and nature; regularly attend meetings of the Board; advise the Board, officers and department heads of the Town as to all legal matters affecting the Town's interest; and to approve all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of, or made by, or with the Town. The compensation of Town Attorney shall be fixed by the Board. The Town Attorney is designated the delinquent tax attorney for the Town.

SECTION 28. Taxation and Revenue. The Town of Chapel Hill is expressly empowered to assess, levy, and collect taxes upon all property and privileges within its limits, which are or shall hereafter be taxable by the laws of Tennessee, and to assess, levy and collect taxes on any and all subjects or objects of taxation, either for general or special purposes, not expressly prohibited by the general laws of Tennessee. The assessment, levy and collection of taxes and special assessments shall be under the general supervision and control of the Town's Treasurer subject to limitations elsewhere found in this Charter and such limitations as may be imposed by ordinance. As soon as practicable in each year after the assessment books for the State and County are complete (which shall be after the County's Equalization Board has finished its works), it shall be the duty of the Town's Treasurer to prepare or cause to be prepared from the assessment books of the County and of the Tennessee Regulatory Authority, tax books similar in form to that required by the laws of the State to be made out for the County Trustee, embracing, however, only such property and persons as are liable for taxes within the Town. Such books, when certified to be true, correct and complete by the Town's Treasurer, shall be the assessment for taxes in the Town for all municipal purposes; provided that there may be an assessment by the Town's Treasurer at any time of any property subject to taxation found to have been omitted, and such assessment shall be duly noted and entered in the assessment book of the Town. The Treasurer shall obtain from the Tennessee Regulatory Authority an assessment roll showing all property, real, personal and mixed assessed by it which shall, as soon as practicable in each year, be incorporated into the tax book. On the first day of March of the year following that for which tax is assessed, a penalty of one-half of one percent (0.5%) and interest of one-half of one percent (0.5%) shall be imposed on all taxes remaining unpaid and collected by the Town. An additional penalty of one-half of one percent (0.5%) shall be added for each month thereafter until the same is paid in full. The Town's Treasurer shall have all powers provided by law to collect delinquent taxes and all delinquent taxes made by proper action be turned over to the Town's attorney or to the tax attorney of Marshall County to institute actions to enforce collection of delinquent taxes due the Town.

SECTION 29. Police Department. The Administrator shall hire the Chief of Police (who may also be the Chief of the Fire Department) and such other policemen and other members of the police force as may be required, whose salaries shall be fixed by the Administrator within the budget for the police department for the current fiscal year. It

shall be the duty of the Chief of Police and members of the police force to preserve order in the Town, protect the inhabitants and property owners therein from violence, crimes and all criminal acts, to prevent the commission of crimes, violence, violations of law and Town ordinances and perform general police duties; to execute and return all processes, notices and orders of the Town court, and to execute all other processes, notices and orders as may be provided in this Charter or by ordinance. The Police Chief in time of riot or other emergency shall have power to summon any citizen of the Town to assist the police force.

SECTION 30. Fire Department. The Administrator shall hire the Chief of the Fire Department (who may also be the Chief of Police) and such other members of the fire department as may be required whose salaries or compensation shall be fixed by the Administrator within the budget for the fire department for the then current fiscal year. It shall be the duty of the Chief of the Fire Department and the members thereof to take all proper steps toward the prevention and suppression of fires. The Chief of the Fire Department shall have the same police powers at a fire as the Chief of Police. The Chief of the Fire Department shall serve as fire marshal whose duties shall be to investigate the cause, origin and circumstances of fires, and loss occasioned thereby, and assist in the prevention of arson. The Board shall have full power and authority by resolution to authorize the use of the Town's firefighting equipment and personnel outside the corporate limits to suppress and extinguish fires subject to such conditions and limitations of such action as the Board may by resolution impose.

SECTION 31. Process Served Upon Mayor. All legal process against the Town shall be served upon the Mayor, or in the event of the Mayor's absence, death or unavailability for any reason, then upon the Vice Mayor or Recorder, and a copy of such process shall be forthwith transmitted by the Mayor, Vice Mayor or Recorder to the Town Attorney after designating thereon the time, place and manner of service.

SECTION 32. Evidence Clause. This act is declared a public act, and may be read in evidence in all courts of law of equity.

SECTION 33. Effect on Incumbent. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent nor the effect of removing any incumbent from office, nor abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 34. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Private Act, which can be given effect without the invalid provision or application, and to that end the provisions of this Private Act are declared to be severable.

SECTION 35. Board Approval. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Chapel Hill. Its approval or non-approval shall be proclaimed by the presiding officer of the Board of Mayor and Aldermen of the Town of Chapel Hill and certified to the Secretary of State.


SECTION 36. Effective Date. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 35.

PASSED: June 19, 2002


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2002


DON SUNDQUIST, GOVERNOR